

ENTERED

April 13, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re Alexander E. Jones, Debtor,	Bankruptcy Case No. 22-33553 (CML) Chapter 11
In re Free Speech Systems LLC, Debtor,	Bankruptcy Case No. 22-60043 (CML) Chapter 11
Neil Heslin, Scarlett Lewis, Leonard Pozner, Veronique De La Rosa, and Estate of Marcel Fontaine, Plaintiffs, v. Alexander E. Jones and Free Speech Systems LLC, Defendants.	Adv. Pro. No.: 23-03034 (CML)
David Wheeler, Francine Wheeler, Jacqueline Barden, Mark Barden, Nicole Hockley, Ian Hockley, Jennifer Hensel, Donna Soto, Carlee Soto-Parisi, Carlos M. Soto, Jillian Soto Marino, William Aldenberg, William Sherlach, Robert Park, and Richard M. Coan, as chapter 7 trustee for the estate of Erica Lafferty, Plaintiffs, v. Alexander E. Jones and Free Speech Systems LLC, Defendants.	Adv. Pro. No. 23-03036 (CML)

STIPULATION AND AGREED ORDER ABATING FSS ADVERSARY PROCEEDINGS

This stipulation and agreed order (“Stipulation and Agreed Order”) is made by and between debtor Free Speech Systems, LLC (“FSS”), the Texas Plaintiffs,¹ and the Connecticut Plaintiffs in the above-captioned cases:

WHEREAS, on July 29, 2022, FSS filed a voluntary petition for relief under Chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) with the United States Bankruptcy Court for the Southern District of Texas (the “Court”) (Bankruptcy Case No. 22-60043 (CML);

WHEREAS, on December 2, 2022, Alexander E. Jones (“Jones”) filed a voluntary petition for relief under the Bankruptcy Code with the Court (Bankruptcy Case No. 22-33553 (CML));

WHEREAS, on March 10, 2023, the Texas Plaintiffs filed adversary proceedings against FSS and Jones, (Adv. Pro. Nos.: 23-03034 and 23-03035 (together, the “Texas Plaintiffs’ Adversary Proceedings”));

WHEREAS, on March 10, 2023, the Connecticut Plaintiffs filed adversary proceedings against FSS and Jones, (Adv. Pro. Nos.: 23-03036 and 23-03037 (together, the “Connecticut Plaintiffs’ Adversary Proceedings,” and with the Texas Plaintiffs’ Adversary Proceedings, the Adversary Proceedings”));

WHEREAS, on March 24, 2023, the Texas Plaintiffs and Connecticut Plaintiffs filed the Texas and Connecticut Plaintiffs’ Motions;

WHEREAS, on April 4, 2023, the Court held a hearing on the Texas and Connecticut Plaintiffs’ Motions;

¹ Defined terms used, but not defined herein, have the meanings ascribed to them in *Emergency Motion of the Texas Plaintiffs for Entry of an Order (A) Scheduling Certain Dates and Deadlines, (B) Establishing Certain Protocols in Connection with Such Hearings, and (C) Granting Related Relief* [Docket No. 7 in Adv. Pro. Case Nos. 23-03034 (CML) and 23-03035 (CML)] (the “Texas Plaintiffs’ Motion”) and the *Emergency Motion of the Connecticut Plaintiffs for Entry of an Order (A) Scheduling Certain Dates and Deadlines, (B) Establishing Certain Protocols in Connection with Such Hearings, and (C) Granting Related Relief* [Docket No. 16 in Adv. Pro. Case Nos. 23-03036 (CML) and 23-03037 (CML)] (the “Connecticut Plaintiffs’ Motion,” and together with the Texas Plaintiffs’ Motion, the “Texas and Connecticut Plaintiffs’ Motions”)

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND SO ORDERED:

1. Adversary Proceedings 23-03034 and 23-03036 (together, the “FSS Adversary Proceedings”) shall be abated until the earlier of fourteen (14) days after the Fifth Circuit Court of Appeals issues a decision in, or declines to hear, the appeal certified on February 2, 2023 in *Avion Funding, LLC v. GFS Industries, LLC*, Case No. 23-90009.

2. Jones and FSS shall not argue that the pendency of the Adversary Proceedings prohibits the Texas Plaintiffs and/or the Connecticut Plaintiffs from taking any discovery outside of the Adversary Proceedings that they would otherwise be entitled to take pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure and Local Rule 2004-1 of the United States Bankruptcy Court for the Southern District of Texas.

3. By entry of this Order, the Connecticut Plaintiffs and the Texas Plaintiffs hereby dismiss Jones, without prejudice, from the FSS Adversary Proceedings.

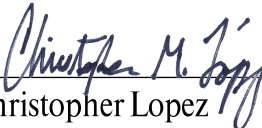
4. For the avoidance of doubt, the Texas Plaintiffs and Connecticut Plaintiffs agree not to assert that FSS is estopped from relitigating matters that are litigated in the Jones Adversary Proceedings (Case Nos. 23-03035 and 23-03037) while the FSS Adversary Proceedings are abated.

5. This Stipulation and Agreed Order shall not be modified, altered, amended, or vacated without the prior written consent of FSS, the Texas Plaintiffs, and Connecticut Plaintiffs, and any such amendment, modification or alteration, in whole or in part, shall be subject to the approval of the Court.

6. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Stipulation and Agreed Order.

THE FOREGOING STIPULATION IS SO ORDERED:

Signed: April 13, 2023



Christopher Lopez
United States Bankruptcy Judge

AGREED IN FORM AND SUBSTANCE:

Dated: April 12, 2023

CAIN & SKARNULIS PLLC

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trustee for the estate of Erica Lafferty*

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Counsel to Debtor Free Speech Systems, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing stipulation has been served on counsel for FSS and Jones and all parties receiving or entitled to notice through CM/ECF on this 12th day of April, 2023.

/s/ Jennifer J. Hardy
Jennifer J. Hardy

United States Bankruptcy Court
Southern District of Texas

Heslin,
Plaintiff
Jones,
Defendant

Adv. Proc. No. 23-03034-cml

CERTIFICATE OF NOTICE

District/off: 0541-4

User: ADIuser

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Date Rcvd: Apr 13, 2023

Form ID: pdf002

Total Noticed: 7

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 15, 2023:

Recip ID	Recipient Name and Address
dft	Alexander E. Jones, c/o 2525 McKinnon Street, Suite 425, Dallas, TX 75201
pla	+ Estate of Marcel Fontaine, c/o McDowell Hetherington LLP, 1001 Fannin Street, Suite 2700, Houston, TX 77002-6774
dft	+ Free Speech Systems, LLC, c/o Law Offices of Ray Battaglia, PLLC, 66 Granburg Circle, San Antonio, TX 78218-3010
pla	+ Leonard Pozner, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
pla	+ Neil Heslin, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
pla	+ Scarlett Lewis, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
pla	+ Veronique De La Rosa, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774

TOTAL: 7

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
ccrm		Official Committee Of Unsecured Creditors

TOTAL: 1 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 15, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 13, 2023 at the address(es) listed below:

Name	Email Address
Avi Moshenberg	on behalf of Plaintiff Leonard Pozner avi.moshenberg@mhlhp.com patricia.flores@mhlhp.com
Avi Moshenberg	

District/off: 0541-4
Date Rcvd: Apr 13, 2023

User: ADIuser
Form ID: pdf002

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Total Noticed: 7

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Avi Moshenberg	on behalf of Plaintiff Scarlett Lewis avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Plaintiff Estate of Marcel Fontaine avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Plaintiff Neil Heslin avi.moshenberg@mhllp.com patricia.flores@mhllp.com
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Jennifer Jaye Hardy	on behalf of Plaintiff Estate of Marcel Fontaine jhardy2@willkie.com mao@willkie.com
Jennifer Jaye Hardy	on behalf of Plaintiff Veronique De La Rosa jhardy2@willkie.com mao@willkie.com
Jennifer Jaye Hardy	on behalf of Plaintiff Leonard Pozner jhardy2@willkie.com mao@willkie.com
Jennifer Jaye Hardy	on behalf of Plaintiff Neil Heslin jhardy2@willkie.com mao@willkie.com
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TOTAL: 17